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DE RUEHKT #3238/01 3520941
ZNY CCCCC ZZH
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FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4218
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 5148
RUEHLM/AMEMBASSY COLOMBO PRIORITY 5415
RUEHKA/AMEMBASSY DHAKA PRIORITY 0586
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 3414
RUEHLO/AMEMBASSY LONDON PRIORITY 4779
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0694
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2247
RUEKJCS/SECDEF WASHDC PRIORITY
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 003238

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E.O. 12958: DECL: 12/18/2016
TAGS: [PGOV](#) [PTER](#) [MARR](#) [PHUM](#) [NP](#)
SUBJECT: CHIEF OF ARMY STAFF COMMENTS ON ARMS MANAGEMENT,
MAOISTS, AND HUMAN RIGHTS

REF: KATHMANDU 3216

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

Summary

1. (C) Chief of Army Staff (COAS) General Katawal told the Ambassador December 13 that he had emphasized to Prime Minister Koirala earlier that day that the Maoists had to be completely separated from their weapons before they were included in the interim parliament and the interim government. Katawal worried that Koirala would be swamped by others trying to persuade him to take a different stand. Katawal urged the U.S. to keep the Maoist terrorist tag in place until they put their weapons beyond use. The Ambassador encouraged the COAS to make sure the National Human Rights Commission and the UN learned of any Maoist incidents so they could hold the Maoists to account. Katawal and the Ambassador agreed that Prachanda seemed less and less inclined to return to the jungle and fight. Nevertheless, Maoists continued to intimidate and engage in violence. Katawal stressed the Nepal Army's commitment to human rights and asked whether the U.S. would be willing to reconsider its ban on participation in training by alleged violators. The Ambassador rejected the idea. Katawal also noted that the Government of Nepal planned to join the Global Peace Operations Initiative soon.

Separating Maoists From Weapons

2. (C) In a meeting December 13, Chief of Army Staff Katawal informed the Ambassador and the DATT that he had told Prime Minister Koirala earlier in the day that in order to have a Constituent Assembly election without fear and intimidation the Maoists had to be separated from their weapons. They should not be included in an interim government or an interim parliament until that was done. The Prime Minister had assured the COAS that even if all the other leaders in the Seven-Party Alliance agreed to another arrangement, he would stick to that bottom line. "I am going to be strong," he had said. Katawal said he was worried, however, that as soon as he left the Prime Minister, people had swamped the PM to convince him to take a different stand. The Ambassador noted that Speaker of the Parliament Subash Nemwang also planned to

tell Koirala to stand tough (reftel). According to the Speaker, it was possible to make progress with the peace process by using the existing Parliament. The Ambassador added that the Embassy was conveying the same message.

Keeping the Terrorist Tag

13. (C) The Chief of Army Staff urged the United States not to lift its terrorist tag on the Maoists until they put their weapons beyond use. The U.S. and Indian designations were important. The Ambassador responded that the Government of India had removed its designation of the Maoists as a terrorist organization. It had done so quietly. The change, which appeared to have been recent, had made it possible for India to release the last two senior Maoist leaders in Indian custody. (Note: The West Bengal State Government released Chandra Prakash Gajurel and Mohan Baidhyda on November 30. End Note) Katawal expressed surprise and dismay that he had not heard the news.

Informing Human Rights Organizations About Maoist Abuses

14. (C) Katawal bemoaned ongoing Maoist abuses. They had threatened almost every businessman in the Kathmandu Valley. Eventually, he said, there would be reprisals. The Ambassador concurred and noted that U.S. citizens continued to face Maoist threats also. He urged the General to make sure that abuses were reported to the UN Office of the High Commissioner for Human Rights (OHCHR) and the National Human Rights Commission (NHRC). Katawal replied that OHCHR could not protect these people from the Maoists and that OHCHR chief Lena Sundh knew this. The Ambassador disagreed. If

the OHCHR had specific information, it could go to the Maoists and demand answers. Katawal said that the Nepal Army did pass on to OHCHR and the NHRC information its commanders obtained about Maoist human rights violations. The Ambassador pointed out that it was important to maintain records; the time was coming when the Maoists would be held to account.

Money and the Maoists

15. (C) The Ambassador expressed frustration that the Maoists seemed to have pocketed large portions of the almost USD 2.5 million the Government of Nepal (GON) had given for the cantonments after signing the Comprehensive Peace Agreement on November 21. This was on top of the unaccounted for billions of rupees they had extorted from Nepalis in recent months. The Chief of Army Staff asked rhetorically where the Maoists had gotten the money for the posters that appeared on walls across the capital and in villages across the country. Maoist military leaders like Pasang were now wearing nice suits and fancy sunglasses. The Ambassador noted Maoist Supremo Prachanda's expanding waistline and, Katawal added, the gel in his hair, as well as his brand new watch.

Prachanda Getting Soft But Maoist Intentions Still Unclear

16. (C) The COAS said that signs that Prachanda was getting soft were encouraging. He and the Ambassador agreed there was no way the Maoist Supremo would go back into the bush and fight. According to Katawal, this was all the more reason for the Nepali Government to not give in to Maoist demands in the peace negotiations. Most of Prachanda's followers were also unwilling to return to the jungle. Moreover, the Nepali people and the international community were behind the Government. Katawal stated that Norwegian Ambassador Tore Toreng had met the Supremo two days previously and had found him to be seemingly sincere and determined to convince his listeners that the Maoists wanted to join the democratic mainstream. Meanwhile, however, other senior Maoists were talking in fiery terms about how the old structures had to be destroyed and refusing to hand over weapons. The Ambassador

pointed to the apparent lack of instructions from the senior Maoist leadership after the Comprehensive Peace Agreement as evidenced by the disparate behavior by Maoists in different districts. He ventured that the Maoist Central Committee meeting ongoing in Bhaktapur might provide some instruction.

Nepal Army's Commitment to Human Rights

¶17. (C) The Chief of Army Staff stressed his personal commitment and that of the Nepal Army to human rights. One example, he said, was his appointment of Brigadier General Nirendra Aryal as head of the Army's Human Rights Cell. (Note: A colonel previously headed this unit.) It was important to be "as transparent as the situation allows." Katawal also cited the Army's recent publicizing of the previously undisclosed finances of the Army Welfare Fund. He pointed in addition to his remarks on the occasion of Human Rights Day at a Nepal Army training program the International Committee of the Red Cross was conducting. He expressed frustration that there seemed to be plans to hold the security forces to account but give the Maoists amnesty. He asked whether it would be possible for the U.S. to reconsider its ban on participation in U.S. training and participation in UN missions by alleged violators from the NA. The Ambassador rejected the idea.

Justice Required

¶18. (C) The Government and the Maoists, the Ambassador stated, had agreed to create a Truth and Reconciliation Commission, but Nepali society would not accept complete amnesty. Crimes, the Ambassador stressed, would have to be investigated. The only way forward was to come clean. The Ambassador conceded that those Nepali soldiers who were exonerated would be eligible, but first there had to be a

thorough judicial process. This included those alleged to have been involved in the 2003 Maharajgunj case. The United States had the best army in the world, but our record in this area was also not spotless. We too had learned the hard way about the necessity of a thorough investigation and process. The General said that he had promised the OHCHR chief that he intended to address every case that arose after he took over as Chief of Army Staff, and he had done so, including the case earlier in the year of Captain Rana. He promised that he would not interfere in the revival of earlier cases, but the family members would have to petition to open those cases that were closed.

U.S. Military Assistance

¶19. (C) The General told the Ambassador to expect a letter soon from the Foreign Ministry officially accepting the U.S. offer to participate in the Global Peace Operations Initiative. Katawal said he had explained the initiative to the Defense Secretary and the Foreign Minister. The Ambassador was pleased. With respect to non-lethal Excess Defense Articles, the Ambassador admitted we were hearing contradictory messages. (Comment: The Prime Minister's Foreign Policy Advisor Dr. Chalise has told us to wait while Defense Secretary Upreti has said go ahead. Meanwhile, both have claimed to have the Prime Minister's support for their position.) The Prime Minister, however, had clearly ruled out lethal assistance for the time being, the Ambassador added.

Comment

¶10. (C) General Katawal was right to insist that the Maoists be stripped of their arms before joining the interim government or even the interim parliament. He was also right to fear that others would attempt to persuade the Prime Minister to abandon his tough line on this issue during the

talks on the interim constitution and arms management. Fortunately, it appears those attempts failed and the interim constitution will not be promulgated until cantonment of Maoist combatants and management of their arms are complete. The risk remains, however, that something could be slipped past the PM, given his poor health. The Chief of Army Staff said that Koirala was irate when he realized, after the fact, that the November 28 arms monitoring agreement allowed UN observers to enter Nepal Army barracks. At that point, however, it was too late. With respect to human rights, Katawal does appear committed to dealing with new cases going forward. Brig. Gen. Aryal, the new head of the Nepal Army's human rights cell, told Emboff December 15 that he had two priorities -- human rights training and clearing the old cases. If he intends to fulfill that second priority, he will have his work cut out for him. Embassy Kathmandu will continue to press for resolution of outstanding cases.

MORIARTY